

**WESTFIELD - WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION**

<b>Petition Number</b>	0707-REZ-02
<b>Approximate Address</b>	16201 Spring Mill Road
<b>Petitioner</b>	Commercial Development Properties, LLC
<b>Request</b>	Change in zoning from the AG-SF-1 and SF-3 Districts to the GB District
<b>Current Zoning</b>	SF-3 and AG-SF-1
<b>Approximate Acreage</b>	16.79 Acres
<b>Site History</b>	0605-DP-12 Chase Bank Development Plan Review 0508-DP-32 Springmill Commons DPR 0408-REZ-07 Town of Westfield change in zoning 0306-REZ-02 Springmill Commons change in zoning
<b>Exhibits</b>	1) WCD Staff Report, 11/26/07 2) WCD Proposed Commitments, 11/26/07 2) Petitioner's Exhibits, 07/09/07

**PETITION HISTORY – NOVEMBER 26, 2007**

This petition underwent public hearing before the Westfield-Washington Township Advisory Plan Commission at the July 23, 2007 hearing.

Following the July 23, 2007 hearing, this petition appeared before the Comprehensive Plan Subcommittee of the APC at the August 1, 2007 meeting. The CPSC voted to recommend the full APC send a denial recommendation to the Westfield Town Council.

This petition underwent initial consideration by the Westfield Town Council at the July 9, 2007 hearing.

**PROCEDURAL**

- o Legal notice was provided for the required public hearing for the July 23, 2007 meeting in accordance with all applicable statutes. The public hearing held on July 23, 2007 satisfied all applicable statutes. No additional public hearing is required at this time.
- o This petition was reviewed by the Comprehensive Plan Subcommittee of the APC at the August 1, 2007 meeting, as required by the Rules of Procedure. No additional subcommittee appearance is required.
- o The Advisory Plan Commission issues a recommendation to the Town Council in regard to proposed changes in zoning.

## **REQUEST**

The proposed change in zoning has two main components. The first component would legally establish an existing integrated commercial center, consisting of five commercial structures enclosing approximately 110,000 square feet. The second component would include an additional parcel, consisting of approximately 1.79 acres, in the GB District and enable the development of that parcel as a component of the existing integrated center.

## **INTRODUCTION**

The request concerns an area of land generally located in the northeast corner of the intersection of Springmill Road and 161<sup>st</sup> Street. The subject site is comprised of four parcels, and consists of approximately 16.79 acres. Of the identified acreage, approximately fifteen (15) acres are located within the SF-3 District, and approximately 1.79 acres are located in the AG-SF-1 District. The parcels within the SF-3 District are improved with an integrated commercial center, and are used commercially for a variety of retail and service uses. The parcels within the AG-SF-1 District are improved with a single-family dwelling and an agricultural out building, and are used for a religious use.

The subject site abuts the public rights-of-way of 161<sup>st</sup> Street to the south and Springmill Road to the west. Access to the subject site is currently provided from two vehicle drives on the north side of the 161<sup>st</sup> Street right-of-way and from one vehicle drive from the east side of the Springmill Road right-of-way. An additional vehicle access is provided from the residential development to the north of the subject site. Eight-foot wide asphalt paths are located within both abutting rights-of-way, and provide pedestrian access to the subject site. A site plan submitted in conjunction with this change in zoning request depicts an additional potential vehicle access point from the east side of the Springmill Road right-of-way, which would provide direct access to the additional 1.79 acre parcel.

Properties abutting the subject site to the north are within the MF-2 District, and are improved with townhomes. Properties abutting the subject site to the south and west are located in the AG-SF-1 District, and are improved with single-family dwellings, a religious institution, and agricultural uses. Properties abutting the subject site to the east are located within the SF-3 (Cluster) District, and are improved with single-family dwellings.

## **PUBLIC POLICIES**

### **Comprehensive Plan**

The Land Use Concept Map of the Amended Westfield-Washington Township 2020 Comp Plan identifies the existing portion of the Springmill Commons integrated center as located in a "Local Commercial" area (pg. 23). Local Commercial areas are intended to provide goods and services used on a day-to-day basis (pg. 46). The Springmill Commons integrated center is specifically identified as an example of a "Local

Commercial” area in the Amended 2020 Plan (pg. 46.)

The Amended Westfield-Washington Township 2020 Plan identifies the additional 1.79 acre parcel proposed to be added to the Springmill Commons integrated center as located in an “Existing Suburban” area (pg. 23). The Comprehensive Plan states that “New retail uses should not be permitted in the Existing Suburban area...” (pg. 38), and further states that “...attempting to introduce retail uses into those areas will change the residential character of the area.” (pg. 38). The recommendations of Existing Suburban areas identify attached and detached dwellings, institutional uses, and recreational uses as appropriate uses for the subject site.

#### Thoroughfare Plan

The current Westfield Thoroughfare Plan roadway classification map (page 4-20, figure 4-7) identifies both 161<sup>st</sup> Street and Springmill Road as “Secondary Arterials,” and recommends a minimum dedication of a sixty (60) foot half right-of-way. Rights-of-way for the portions of these roads abutting the existing integrated center have already been dedicated in accordance with the Thoroughfare Plan. Right-of-way along Springmill Road abutting the 1.79 acre parcel has not been dedicated, and should be required as a condition of any change in zoning granted the 1.79 acre parcel.

The current Westfield Thoroughfare Plan identifies both 161<sup>st</sup> Street and Springmill Road as providing bicycle and pedestrian accommodation within the public right-of-way. An eight-foot wide asphalt path has been provided within the rights-of-way of both 161<sup>st</sup> Street and Springmill Road abutting the portion of the subject site currently improved with an integrated commercial center. The extension of the eight-foot wide asphalt path along the portion of the 1.79 acre parcel should be required as a condition of any change in zoning granted the 1.79 acre parcel.

#### Water and Sewer

The Westfield Water Master Plan depicts the subject site as served by an existing water line on the south side of 161<sup>st</sup> Street. The Westfield Water Master Plan does not identify any proposed future water main expansion within or abutting the subject site.

The Westfield Sewer Master Plan depicts the subject site as served by an existing sewer line at the southwest corner of the intersection of 161<sup>st</sup> Street and Springmill Road. The Westfield Sewer Master Plan does not identify any proposed future sewer main expansions within or abutting the subject site.

#### Annexation

The subject site is within the corporate limits.

### **TECHNICAL REVIEW**

This petition underwent preliminary review by the Technical Advisory Committee at the August 1, 2007 TAC meeting. Agencies in attendance indicated that existing facilities were adequate to serve the subject site and the additional 1.79 acres. Comments received

from the Westfield Public Works Department related to site access resulted in the recommendation of a commitment to restrict access to the 1.79 acre parcel, which is attached to this report.

### **INDIANA CODE**

IC 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Westfield 2007 Comprehensive Plan recognizes the existing Springmill Commons integrated center, and recommends that portion of this request remain commercial in nature. That aspect of this request is generally consistent with the Plan. The Comprehensive Plan does not recommend that the additional 1.79 acres of the subject site change uses, making that aspect of this request generally inconsistent with the recommendations of the Plan.

2. Current conditions and the character of current structures and uses.

The majority of the subject site is improved with a commercial integrated center. The requested change in zoning would be generally consistent with the current conditions and character of current structures and uses.

3. The most desirable use for which the land is adapted.

The majority of the site included in this request is already improved and operated in a commercial manner. The requested district would be generally consistent with the use for which the land is adapted. The remaining 1.79 acre portion of the subject site is improved with a dwelling and agricultural building of a character and function inconsistent with the abutting commercial integrated center. The influence of this center has the potential to make this 1.79-acre site less suitable for continued residential or institutional use. The requested change in zoning for the 1.79 acre parcel may represent the most desirable use for which the land is adapted.

4. The conservation of property values throughout the jurisdiction.

This proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction.

5. Responsible growth and development.

The subject site is located within the corporate limits. The site is contiguous to other major developments, and development of the subject site would be consistent with the principle of contiguous growth.

**RECOMMENDATION**

Forward the Westfield Town Council a recommendation to approve, subject to the petitioner's proposed commitments and the staff's proposed commitments.

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AFS

